

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 536-5693** or the **City Clerk (714) 536-5227**.

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

ACTION AGENDA **CITY COUNCIL/REDEVELOPMENT AGENCY** **CITY OF HUNTINGTON BEACH**

MONDAY DECEMBER 15, 2003

4:00 P.M. - Room B-8

7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

4:00 P.M. - Room B-8

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
Present (Green arrived 4:01p.m.; Houchen, arrived 4:12 p.m.)

Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. (2) Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

Public Comments Regarding 4:00 P.M. Portion of Council Meeting (See Next Page for Study Session and Closed Session Agenda Items)

Representatives of Employee Associations thanked Council for their employee efforts toward working on a solution to the increased health coverage costs, and informed Council that it is the consensus of all the associations that the CALPERS Health Coverage Plan that would be best for the City and employees.

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDA IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS
<http://www.surfcity-hb.org>**

(City Council/Redevelopment Agency) Study Session – Presentation by the Economic Development Department on Redevelopment Agency Financial Issues (.)

Economic Development/Deputy Executive Director David Biggs will present an outline of staff's recommendations regarding the Policy Issues/Questions for Council/Redevelopment Agency consideration. Based upon the input received in this study session, staff will return to the Council/Redevelopment Agency Board with a series of actions to address the implementation of the policy direction desired.

**Communication and a PowerPoint presentation titled *Recommendations Redevelopment Agency Financial Issues Study Session December 15, 2003* from the Economic Development Department are included in the Agenda Packet.

Director Biggs presented PowerPoint

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following items:
Approved 7-0

1. **(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Ray Silver, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Steven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** (120.80)
2. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Irma Levine, et al. v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 03CC03482. (120.80)
3. **City Council Closed Session** – Pursuant to Government Code Section 54956.9(b)(3)(B) to confer with its attorney regarding pending litigation. Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced. **Subject: Potential Litigation** (120.80)
4. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **William David Brown v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 02CC16222. (120.80)

5. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Howard Jarvis Taxpayers Assn., et al. v City of Huntington Beach, et al.**; Orange County Superior Court Case No. 818780; Court of Appeal, 4th District, Case No. G029292. (120.80)
6. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **City of Huntington Beach v. Huntington Beach Police Officers' Association**; United States District Court Case No. SA 01-1125 JVS; and **Scottsdale Insurance Company v. Huntington Beach Police Officers Association, and the related counterclaim, American States Insurance v. City of Huntington Beach**, United States District Court Case No. SA 03-1143 JVS. **Subject: City of Huntington Beach v. HBPOA (Gun Range), and related cases.** (120.80)
7. **City Council Closed Session** – Pursuant to Government Code Section 54956.9(b)(3)(A) to confer with its attorney regarding pending litigation. Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed. **Subject: Potential Litigation** (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members.

On each Agenda these Agencies may have items scheduled.

When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

7:00 P.M. - Council Chambers

Reconvene City Council/Redevelopment Agency Meeting

- ** The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

Roll Call Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

Pledge of Allegiance – To be led by Mayor Cathy Green.

Invocation - Reverend Peggy Price, Church of Religious Science

Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

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Mayor's Award – Mayor Cathy Green to present the Mayor's Award to Sergeant Dave Bunnetta, Huntington Beach Police Department. (160.40)
City named one of the 20th safest cities in the nation

B. PUBLIC COMMENTS

Hello and welcome to the Huntington Beach City Council meeting.

If you would like to address the Council please fill out the pink public comment sheet attached to this agenda.

After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. Council members strive to treat members of the public with respect and we ask that you also express your concerns and opinions in a civil and respectful manner.

Pursuant to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda. So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting. However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553.

Thank you for taking the time to come to the council meeting to address the council.

This is the time to address Council regarding items of interest or on agenda items OTHER than Public Hearings.

3 minutes per person, time may not be donated to others.

No action can be taken by Council/Agency on this date unless agendaized.

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium

PUBLIC COMMENTS:

- 1) *Speaker addressed Council in opposition to extreme increases to city employees for employees health coverage. Also in favor of Agenda Item H-2a.***
- 2) *Speakers opposed to Districting Measure E on March 2, 2004. Special Municipal Election ballot; stated reasons opposed to ballot argument submitted by proponent. PowerPoint Presentation made, website address www.NoDistricts.org announced – address of committee #372, 18685 Main Street, Suite A, Huntington Beach, CA 92648.***
- 3) *Speakers opposed to Agenda Item D-2a and b.***
- 4) *Speakers in favor of Agenda Item D-2a and b.***
- 5) *Speaker stating complaints about State Government and what he believes to be influence of AES Power Plant Company.***

C-1. Council Committee/Council Liaison Reports**C-1a. (City Council) Approve City Council Liaison Appointments for Citizen Boards, Commissions, Committees, and Task Forces for the Year 2004 (.)**

Communication from Mayor Cathy Green transmitting the listing of Council Liaison and Council Committee Member assignments titled *City of Huntington Beach Citizen Boards, Commissions, Committees, and Task Forces (Citizen Members Appointed to Four Year Terms)*.

Recommended Action: Motion to:

Approve the listing of Council Liaison and Committee assignments as designated in the attached list titled *2004 City of Huntington Beach Citizen Boards, Commissions, Committees, and Task Forces (Citizen Members Appointed to Four Year Terms)*.

Continued to January 5, 2004

6-0-1 (Houchen out of room)

C-1b. (Redevelopment Agency) Authorize the Proposed Sale of Surplus Property (Parcel at 214 Fifth Street - Ground Floor Retail Space – The Strand Project) (.)

Mayor Cathy Green on behalf of the Economic Development Committee transmitted the following **Statement of Issue:** The Redevelopment Agency owns a parcel of property at 214 Fifth Street. Should the parcel be offered for sale in order to facilitate its development?

Recommended Action: Motion to:

Authorize the marketing of property at 214 Fifth Street for sale on a limited basis to entities which would be owner/occupants of the ground floor retail space after development of the property.

Motion to postpone decision

Failed 3-4 (Hardy, Boardman, Cook, Houchen - No)

Motion to: Issue a Request for Proposals for a real estate broker solicitation and also negotiate the commission to sell the property as soon as possible.

Passed 6-1 (Green-No)

C-2. City Administrator's Report**C-3. City Treasurer's Report****C-3a. (City Council) Review and Accept Shari Freidenrich, City Treasurer's October 2003 Report Titled City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity (310.20)**

Communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for October 2003.

Recommended Action: Motion to:

Review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for October 2003*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

Approved as amended to correct typographical error 7-0

C-3b. (City Council/Redevelopment Agency) – Adopt Council Resolution No. 2003-91 and Agency Resolution No. 347 – Approving and Adopting the 2003/2004 Investment Policy – City Treasurer (310.20)

Communication from the City Treasurer informing Council/Agency that Agency shall render an Annual Statement of Investment Policy to the legislative body for acceptance. The City Treasurer, with the assistance of the Investment Advisory Board, has prepared an updated investment policy.

Recommended Action: Motion to:

1. **City Council Recommended Action:** Motion to:
Approve and adopt **Resolution No. 2003-91** of the City Council of the City of Huntington Beach, approving the 2003/2004 Investment Policy. – *“A Resolution of the City Council of the City of Huntington Beach Approving the Statement of Investment Policy for 2003/2004.”*
Adopted 7-0

and

2. **Redevelopment Agency Recommended Action:** Motion to:
Approve and adopt **Resolution No. 347** of the Redevelopment Agency of the City of Huntington Beach, approving the 2003/2004 Investment Policy. – *“A Resolution of the Redevelopment Agency of the City of Huntington Beach Approving the Statement of Investment Policy for 2003/2004.”*
Adopted 7-0

Recess City Council/Redevelopment Agency Regular Meeting

Call Annual Meeting of Huntington Beach Public Financing Authority to Order (125.35)

Roll Call of the Huntington Beach Public Financing Authority Members

Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

Election of Officers – Motion to:

Elect Cathy Green, Chair of the Huntington Beach Financing Authority; Jill Hardy, Vice-Chair of the Huntington Beach Financing Authority and Connie Brockway, Secretary.

Approved 7-0

Approve Public Financing Authority Minutes – Motion to:

Approve and adopt minutes of the December 16, 2002 Annual Meeting and February 18, 2003 City Council/Redevelopment Agency/Public Financing Authority Meetings of the Huntington Beach Public Financing Authority as written and on file in the Office of the Secretary. Submitted by the Secretary.

Approved and Adopted 7-0

Adjourn the Huntington Beach Public Financing Authority Meeting.

Mayor will reconvene City Council/Redevelopment Agency Regular Meeting

D. PUBLIC HEARINGS

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

D-1. (City Council) Public Hearing to Consider Zoning Map Amendment No 02-03 Filed by Bonanni Properties and D. S. Products (Located 21341 Lochlea Lane w/s Lochlea Lane at Lomond Drive - Seaside Terrace) – Approve Introduction of Ordinance No. 3626 (.)

Communication from the Planning Director.

Applicant: Bonanni Properties and D.S. Products.

Request: (ZMA) Zoning Map Amendment: to re-zone a 2.17 acre undeveloped parcel from Residential Agriculture – Flood Plain 2 to Residential Low-Density – Flood Plain 2.

Location: 21341 Lochlea Lane (Westside of Lochlea Lane at Lomond Drive).

Environmental Status: **NOTICE IS HEREBY GIVEN** that the initial environmental assessment for the above item was processed and completed in accordance with the California Environmental Quality Act. On October 28, 2003, the Planning Commission determined that this item, with mitigation, would not have any significant environmental effects and that a mitigated negative declaration is warranted. The mitigated negative declaration (No. 02-03) is on file at the City of Huntington Beach Planning Department, 2000 Main Street, and is available for public inspection and comment by contacting the Planning Department, or by telephoning (714) 536-5271.

ON FILE: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on Thursday, December 11, 2003.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Planning Department at 536-5271 and refer to the above items. Direct your written communications to the City Clerk.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

****Powerpoint presentation titled *Zoning Map Amendment: Re-Zone a 2.17 ac. Parcel from RA-FP2 to RL-FP2* is included in the agenda packet.**

Recommended Action: Motion to:

PLANNING COMMISSION AND STAFF RECOMMENDATION: Motion to:

Approve Zoning Map Amendment No. 02-03 with Findings for Approval (Attachment No. 1) and approve for introduction **Ordinance No. 3626** – “*An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Code by Amending District Map 14 (Sectional District Map 13-6-11) to Rezone the Real Property Generally Located on the West Side of Lochlea Lane, at the Intersection with Lomond Drive from RA-FP2 (Residential; Agriculture-Flood Plain 2) to RL-FP2 (Residential Low-Density-Flood Plain 2) (Zoning Map Amendment No. 02-03).*” (Attachment No. 2)

Approved Introduction 7-0

D-2a. (City Council) Part 1 of 2 Parts of Public Hearing Opened and Continued Open from November 17, 2003: (1.) Consider Appeal Filed by Mayor Connie Boardman of the Planning Commission's Certification of Environmental Impact Report (EIR) No. 00-02 (Poseidon Seawater Desalination Plant Located at 21730 Newland Street, east side, south of Edison Avenue) - Application Filed by Poseidon Resources Corporation – Approve Resolution No. 2003-82 and (2.) For Part 2 - See Agenda Item to Follow (.)

Communication from the Planning Director.

Applicant: Poseidon Resources Corporation

Appellant: Mayor Connie Boardman

Request: To analyze the potential environmental impacts associated with the implementation of a proposed 50 million gallons per day seawater desalination plant.

Location: 21730 Newland (east side, south of Edison Avenue)

ON FILE: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on Thursday November 13, 2003.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Planning Department at 536-5271 and refer to the above items. Direct your written communications to the City Clerk

1. Staff report
2. City Council discussion
3. Open public hearing on this and the following agenda item
4. Following public input, close public hearing

****PowerPoint presentation titled *Environmental Impact Report No. 00-02 - Poseidon Seawater Desalination Plant* is included in the agenda packet.**

**** Communication from Patti Sexton dated November 12, 2003 titled *Poseidon Seawater Desalination Project* in support of the project.**

**** Communication from Tom Livengood dated 11-19-2003 titled *What is Normal?* regarding the California Energy Commission 11-7-03 comment letter.**

**** Communication from Scott Szymborski dated 11-12-2003 titled *Poseidon Seawater Desalination Project* in support of the project.**

**** Communication from California Coastal Commission dated 12-8-2003 titled *Comments on the City of Huntington Beach Environmental Impact Report (EIR) for the Proposed Poseidon Desalination Facility* recommending the City not certify at this time.**

Recommended Action: Motion to:

PLANNING COMMISSION AND STAFF RECOMMENDATION: Motion to:

Certify EIR No. 00-02 as adequate and complete in accordance with CEQA (the California Environmental Quality Act) requirements by approving **Resolution No. 2003-82** - "A Resolution of the City Council of the City of Huntington Beach Certifying the Final Environmental Impact Report No. 00-02 (SCH#2001051092) for the Poseidon Seawater Desalination Project."

Motion To: Deny certification

Passed 4-3 (Sullivan, Coerper, Green - No)

- D-2b. (City Council) Part 2 of 2 Parts of Public Hearing Opened and Continued Open from November 17, 2003: (1.) For Part 1 – See Preceding Agenda Item and (2.) Approve Conditional Use Permit (CUP) No. 02-04 and Coastal Development Permit (CDP) No. 02-05 (Poseidon Seawater Desalination Plant Located at 21730 Newland (e/s, s/o Edison Avenue) – Approve CEQA (California Environmental Quality Act) Statement of Findings and Fact with a Statement of Overriding Considerations – Approve Mitigation Monitoring and Reporting Program (.)**
Communication from the Planning Director

Applicant: Poseidon Resources Corporation

Request: To construct a 50 million gallons per day seawater desalination plant including a 10,120 sq. ft. administration building, a 38,090 sq. ft. reverse osmosis building, a 36,305 sq. ft. product water storage tank, and miscellaneous accessory structures on an 11 acre lease area. The proposed improvements include up to four miles of water transmission lines in Huntington Beach, one mile of which will be within the Coastal Zone, to connect to an existing regional transmission system in Costa Mesa. The project also includes perimeter landscaping and fencing along Newland Street and Edison Avenue.

Location: 21730 Newland (east side, south of Edison Avenue)

Notice is hereby given that this Agenda item is located in the appealable jurisdiction of the Coastal Zone and includes Coastal Development Permit No. 02-05 filed on January 22, 2002, in conjunction with the above request.

Environmental Status: Notice is hereby given that the Coastal Development Permit hearing consists of a staff report, public hearing, City Council discussion and action. The City Council's action on this item may be appealed to the Coastal Commission within ten (10) working days from the date of receipt of the notice of final City action by the Coastal Commission pursuant to Section 245.32 of the Huntington Beach Zoning and Subdivision Ordinance and Section 13110 of the California Code of Regulations, or unless Title 14, Section 13573 of the California Administrative Code is applicable. The Coastal Commission address is South Coast Area Office, 200 Oceangate, 10th Floor, Long Beach, CA 90802-4302, phone number: (310) 570-5071.

ON FILE: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on Thursday November 13, 2003.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Planning Department at 536-5271 and refer to the above items. Direct your written communications to the City Clerk

1. Staff report
2. City Council discussion
3. Open public hearing on this and the preceding agenda item
4. Following public input, close public hearing

** PowerPoint presentation titled *CUP No. 02-04/CDP No. 02-05 Poseidon Seawater Desalination Plant* is included in the agenda packet.

Recommended Action: Motion to:

STAFF RECOMMENDATION: Motion to:

1. Approve Conditional Use Permit (CUP) No. 02-04 and Coastal Development Permit (CDP) No. 02-05 to permit Poseidon Seawater Desalination Plant with staff recommended findings and conditions of approval (Attachment No. 1);

and

2. Approve CEQA Statement of Findings and Fact with a Statement of Overriding Considerations (Attachment No. 7);

and

3. Approve the Mitigation Monitoring and Reporting Program (Attachment No. 8).
No Action Required as Environmental Impact Report (EIR) Certification Denied

D-3. (City Council) Public Hearing to Consider Proposed Revision Amending Huntington Beach Municipal Code Chapter 14.36 Relating to Multiple-Family Dwellings - Adopt Resolution No. 2003-88 Modifying the Sewer System Charge (Resolution No. 2003-52 Established the Fee Schedule) (.)

Communication from the Public Works Director transmitting the following **Statement of Issue:** The Sewer System Connection Charge that was adopted July 7, 2003, incorrectly listed the charge for multiple-family dwellings. The attached resolution contains the correction as presented in the adopted Sewer System Master Plan.

Public hearing for the purpose of adopting a resolution modifying the sewer system charge for a multiple family dwelling unit. The proposed resolution is pursuant to Chapter 14.36 of the Huntington Beach Municipal Code that authorizes the City Council to collect fees and charges as a condition precedent to granting an application for sewer connection or an increase in water meter size. The fees and charges authorized by Chapter 14.36 may not exceed the estimated reasonable cost of providing facilities for the City's sewer system that will benefit the person being charged. The proposed charges are in accordance with the recommendations in the adopted Sewer Master Plan.

The complete report of the Sewer Master Plan is available for review by the public in the Public Works Department, first floor, or the City Clerk's Office, second floor, of City Hall, 2000 Main Street, Huntington Beach between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. Interested persons may also contact Linda Daily or Todd Broussard of the Public Works Department at 714-536-5431 to receive additional information.

All citizens are invited to attend the public hearing and express their opinions for or against the adoption of the resolution. Written communications to the City Council may be directed to the City Clerk prior to the date and time of the public hearing.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

Recommended Action: Motion to:

Adopt **Resolution No. 2003-88** – “A Resolution of the City Council of the City of Huntington Beach Modifying the Sewer System Charge for a Multiple Family Dwelling Unit.”

Adopted 6-1 (Sullivan - No)

ADMINISTRATIVE HEARING

D-4 is an Administrative Public Hearing. This administrative hearing is required by Huntington Beach Municipal Code Section 1.18. Only property owners are entitled to speak at this administrative hearing. All other interested parties may speak during the regular *Public Comments* section of the agenda at the beginning of the meeting. Written communications to the City Council may also be mailed to the City Clerk.

D-4. (City Council) Administrative Public Hearing to Consider Adoption of Resolution No. 2003-89 Approving Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations (570.60)

Communication from the City Treasurer and the City Attorney.

An Administrative public hearing as required by the California Government Code Section 38377.5 for the purpose of certifying special assessments against properties where public nuisances have occurred.

Request for Council certification of recording Notices of Special Assessments against private property for the value of unpaid civil fines, plus interest and penalties, pursuant to Ordinance No. 3397 adopted by City Council on June 15, 1998.

Recommended Action: Motion to:

Adopt **Resolution No. 2003-89** entitled "*A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations.*"

Adopted 6-1 (Houchen abstained due to Conflict of Interest)

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. (City Council) Approve the Maddy Local Appointive List Showing Vacancies Which Will Occur on City Boards and Commissions in the Year 2004** (110.50) - Approve the Maddy Local Appointive List showing vacancies, which will occur on city boards and commissions in the year 2004 and direct the City Clerk to post the list at the official posting locations (Huntington Central Library, Civic Center, Main Street Library). Copies of the Maddy Act will also be posted at all branch Libraries. Submitted by the City Clerk. Funding Source: Not applicable
Approved 7-0
- E-2. (City Council) Adopt Resolution No. 2003-92 Establishing Settlement Authority for Potential and Pending Litigation by the Risk Manager and the City Attorney and Deleting the Settlement Committee (Claims Review Committee)** (180.10) – Adopt **Resolution No. 2003-92 – “A Resolution of the City Council of the City of Huntington Beach Establishing Settlement Authority of the Risk Manager and City Attorney, and Deleting the Settlement Committee.”** Submitted by the City Attorney and the Administrative Services Director. Funding Source: Not Applicable. (All claims exceeding \$50,000 will continue to be referred to the full City Council.)
Adopted 7-0
- E-3. (City Council) Adopt Resolution No. 2003-93 Extending Resolution No. 2001- 93 through Calendar Year 2004 and Authorizing Military Leave Compensation and Benefits for City Employees Called to Active Duty with the Armed Forces** (700.50) – Adopt **Resolution No. 2003-93 – “A Resolution of the City Council of the City of Huntington Beach Extending Resolution No. 2001-93 through Calendar Year 2004, and Providing for Additional Temporary Partially Paid Military Leave of Absence and Continuation of Benefits for City Employees Called to Active Duty with the Armed Forces.”** Submitted by the City Administrator. Funding Source: Pay and benefits are in the existing budget.
Adopted 7-0
- E-4. (City Council) Approve the Appointment of Cameron Abrams and the Reappointments of Alan Chancellor – Charles Goldenberg – Ken Inouye and Karen Jackle to the Human Relations Task Force for Terms to Expire December 31, 2007** (110.20) – 1. Approve the reappointments of **Alan Chancellor, Charles Goldenberg, Ken Inouye, and Karen Jackle** and 2. Approve the appointment of **Cameron Abrams** for terms to expire December 31, 2007. Submitted by the Community Services Director and as recommended by Council Liaisons Mayor Cathy Green and Councilmember Gil Coerper. Funding Source: Not applicable.
Approved 7-0

- E-5. **(City Council) Approve the Amendment to the Joint Agreement between the City and the County of Orange for Implementation and Operation of the 800 MHz Countywide Coordinated Communications (Radio) System – Authorize Expenditure of Funds** (.) – 1. Approve the terms of the *Amendment to Joint Agreement for the Implementation of the Orange County 800 Megahertz Countywide Coordinated Communications System Dated January 30, 1996*; and 2. Approve System backbone expenditure of \$212,373.00 budgeted in Account Number 10042155.67740. Submitted by the Information Services Director. Funding Source: \$212,373.00 - General Fund Account.
Approved 7-0
- E-6. **(Redevelopment Agency) Receive and File “Exhibit A” to Fourth Implementation Agreement with CIM/Huntington LLC - Blocks (104/105 – The Strand) Disposition & Development Agreement – (DDA)** (600.30) – Receive and file “*Exhibit A*” – *Assignment of Architectural Agreements and Plans and Specifications* to the Fourth Implementation Agreement with CIM/Huntington LLC. Submitted by the Deputy Executive Director. Funding Source: Not Applicable.
Approved 7-0
- E-7. **(City Council) Approve Consolidation of Self Insurance Workers’ Compensation and Self Insurance Medical Funds into the General Fund for Budgeting and Financial Reporting Purposes for Fiscal Year September 30, 2003 and Beyond** (180.10) – Approve the consolidation of the Self Insurance Workers’ Compensation and Self Insurance Medical funds for budgeting and financial reporting proposes into the General Fund for the fiscal year ending September 30, 2003 and beyond. Submitted by the Administrative Services Director. Funding Source: The recommended action transfers the revenue and expenditures of workers’ compensation and medical programs into the General Fund. Upon the consolidation of the Self Insurance Workers’ Compensation and Self Insurance Medical funds any overstatement of fund balance (estimated to be \$2.0 million as of September 30, 2003) will be absorbed by the General Fund’s unreserved undesignated fund balance for the Fiscal Year ending September 30, 2003 upon completion of the Comprehensive Annual Financial Report in March 2004. The estimated approximate General Fund unreserved undesignated fund balance is expected to be between \$7.0 to \$8.0 million as a result of this action.
Approved 7-0
- E-8. **(City Council) Approve Eight Community Development Block Grant (CDBG) Enhancement Areas: (1) Bolsa-Chica Heil; (2) Goldenwest; (3) Washington; (4) Oak View; (5) Newland; (6) Garfield; (7) Yorktown; and (8) Adams – U.S. Department of Housing & Urban Development** (640.10) – Approve eight Community Development Block Grant (CDBG) Enhancement Areas within the City of Huntington Beach. Submitted by the Economic Development Director. Funding Source: Not applicable.
Approved 7-0

- E-9. **(City Council) Adopt Resolution No. 2003-94 Designating Authority to the City Administrator, Assistant City Administrator and the Economic Development Director as the Authorized Officials to Execute Administrative Documents for the Community Development Block Grant (CDBG) and HOME Investment Partnership Programs** (630.50) – Adopt **Resolution No. 2003-94** – “*A Resolution of the City Council of the City of Huntington Beach Designating the City Administrator, the Assistant City Administrator and the Director of Economic Development as Authorized Officials to Sign Documents Related to the Administration of the City’s Community Development Block Grant and Home Investment Partnership Programs.* Submitted by the Economic Development Director. Funding Source: Not Applicable.
Adopted 7-0
- E-10. **(City Council) Approve Reimbursement - Planning Agreement between the City and Poseidon Resources Corporation for Planning Services to Complete Environmental Documentation for the Poseidon Desalination Plant** (600.10) – Approve and authorize the Mayor and City Clerk to execute the *Reimbursement – Planning Agreement between the City of Huntington Beach and Poseidon Resources Corporation for Costs Incurred for Preparation of Environmental Documentation for Poseidon Desalination Project.* Submitted by the Planning Director. Funding Source: Not Applicable.
Approved 7-0
- E-11. **(City Council) Approve Professional Services Contract between the City and Engineering Resources of Southern California, Inc. for Plan Checking and Development Processing Staff for the Public Works Department** (600.10) – Approve the *Professional Services Contract between the City of Huntington Beach and Engineering Resources of Southern California, Inc. for Plan Check and Development Processing Services* and authorize the Mayor and City Clerk to execute same. Submitted by the Public Works Director. Funding Source: \$200,000 – Fiscal Year 2003/04 - General Fund, Professional Services Account. Fee-based revenues supported entirely by developer payments.
Approved 7-0
- E-12. **(City Council) Approve Additional Funds for Speer and Liberty Streets Rehabilitation Project; CC-1142 - Change Orders** (600.50) – Authorize an additional \$40,000.00 to cover the additional change orders for Speer and Liberty Streets Rehabilitation Project; CC-1142. Submitted by the Public Works Director. Funding Source: \$40,000 – Measure M, Minor Street Improvements Account.
Approved 7-0
- E-13. **(City Council) Accept Bid and Award Construction Contract to SRD Engineering, Inc. for the Ellis Avenue Drainage and Street Improvement Project; CC-1220 (.) – 1.** Accept the lowest, responsive and responsible bid submitted by SRD Engineering, Inc., in the amount of \$74,333.00 for the Ellis Avenue Drainage and Street Improvement Project; CC-1220; and **2.** Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: Sufficient Measure M fund, Minor Street Improvements Account. Engineer’s estimate - \$75,000.00.
Approved 7-0

- E-14. **(City Council) Accept Bid and Award Contract to Inspection Engineering Construction, Inc. for Traffic Signal Modifications at Brookhurst Street and Garfield Avenue; CC-1205** (.) – 1. Accept the lowest, responsive and responsible bid submitted by Inspection Engineering Construction, Inc., in the amount of \$32,875.00 for traffic signal modifications at Brookhurst Street and Garfield Avenue; CC-1205; and 2. Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. . Submitted by the Public Works Director. Funding Source: \$65,000 – Measure M Traffic Signals. Project is fully funded by Orange County Transportation (OCTA) Growth Management Area 6 (GMA 6) program. Engineer's estimate - \$65,000.00.
Approved 7-0
- E-15. **(City Council) Adopt Annual Disadvantaged Business Enterprises (DBE) Goal of 6% for All Local Agency Projects Receiving Federal Funds through the California Department of Transportation (Caltrans) - Fiscal Year 2003/2004** (340.70) – Adopt the Annual Disadvantaged Business Enterprises (DBE) goal of 6%. Submitted by the Public Works Director. Funding Source: Not applicable.
Adopted 7-0
- E-16. **(City Council) Adopt Resolution No. 2003-95 Approving Street Name Change from Veladare Circle to Estate Circle, Tract 14321, Grid 431** (.) – Adopt **Resolution No. 2003-95** – “A Resolution of the City Council of the City of Huntington Beach Providing for the Change of the Street Name of Veladare Circle to Estate Circle.” Submitted by the Fire Chief. Funding Source: The residents on Veladare Circle have submitted the required non-refundable fee of \$250 for processing the street name change. If approved, a \$70 fee would also be required for each street name sign to be changed.
Adopted 7-0
- E-17. **(City Council) Approve the Release of Securities for Tract No. 14321 Located 800' n/w of Intersection of 17th Street and Adams Avenue - Accept the Public Improvements (Developer, Crystal Island, LLC.)** (.) - 1. Accept the improvements constructed and dedicated for public use with Tract No. 14321; and 2. Accept the Guarantee and Warranty Bond No. 3SM95952600-A the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and 3. Release Faithful Performance/Labor and Material Bond No. 3SM95952600 and Monument Bond No. 3SM95952700 pursuant to California Government Code Section No. 66499.7(b); and 4. Instruct the City Clerk to notify the developer, Crystal Island, LLC of this action and the City Treasurer to notify the **American Motorists Insurance Company**, of this action; and 5. Instruct the City Clerk to record the “Notice of Acceptance of Public Improvements” (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.
Removed from Agenda

- E-18. (City Council) Approve Amendment No.1 to Extend the Contract Time on the Professional Services Agreement between the City and Camp, Dresser & McKee, Inc. (CDM) for CC-1168, the Citywide Urban Runoff Management Plan (Includes Drainage and Water Quality Element)** (600.10) Approve and authorize the Mayor and City Clerk to execute *Amendment No. 1 to Agreement between the City of Huntington Beach and Camp Dresser & McKee, Inc. for Preparation of the City Wide Water Quality Management Plan (CC-1168)*. Submitted by the Public Works Director. Funding Source: \$660,820 budgeted from \$4 million dollar Water Quality Proposition 13 Grant Fund, Water Quality Master Plan Account.
Approved 7-0

G. Ordinances

G-1. Ordinance for Adoption

- G-1a. (City Council) Adopt Ordinance No. 3625 Amending the Huntington Beach Municipal Code by Repealing Chapter 8.70 and Adding Chapter 8.72 Relating to Tattooing, Body Piercing and Permanent Cosmetics** (.) - Adoption of Ordinance No. 3625 is requested in order to repeal Chapter 8.70 of the Huntington Beach Municipal Code pertaining to tattooing and replacing it with Chapter 8.72 pertaining to tattooing, body piercing and permanent cosmetics. In many cases, these types of services will be offered in one business establishment. Even if they are not, all these services use similar equipment and techniques, including, but not limited to, needles, dyes, and stencils. This new chapter will merge the requirements for these businesses under one section. Previous to this new chapter, body piercing and permanent cosmetic application requirements did not exist in the municipal code. (Approved for Introduction December 1, 2003.) Submitted by the Police Chief.
Recommended Action: After City Clerk reads by title, adopt **Ordinance No. 3625**, by roll call vote.

Ordinance No. 3625 – “*An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Repealing Chapter 8.70 and Replacing it with Chapter 8.72 Relating to Tattooing, Body Piercing and Permanent Cosmetics*
Adopted 7-0

G-2. Ordinances for Introduction

- G-2a. (City Council) Approve for Introduction Ordinance No. 3628 Deleting Chapter 3.04 of the Huntington Beach Municipal Code Relating to Fund Regulations** (.) – **Ordinance No. 3628** - “*An Ordinance of the City of Huntington Beach Deleting Chapter 3.04 of the Huntington Beach Municipal Code Relating to Fund Regulations.*” (In the process of updating the City’s Sewer Master Plan and associated fees and charges various provisions of the Huntington Beach Municipal Code that relate to the collection of sewer fees were reviewed. During this review it was noted that HBMC 3.04 first adopted in 1910, does not reflect current practices of the City.) Submitted by the City Attorney.
Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance No. 3628**, by roll call vote.
Approved Introduction 7-0

- G-2b. (City Council) Approve for Introduction Ordinance No. 3629 Amending Chapter 12.04 of the Huntington Beach Municipal Code Defining the Datum Plane (.) – Ordinance No. 3629 - “An Ordinance of the City of Huntington Beach Amending Chapter 12.04 of the Huntington Beach Municipal Code Defining the Datum Plane.”** (The datum plane is official vertical plane for survey measurements in the City and should be updated to meet current information.) Submitted by the Public Works Director.

Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance No. 3629** by roll call vote.

Approved Introduction 7-0

- G-2c. (City Council) Approve for Introduction Ordinance No. 3630 Amending Chapter 1.18 of the Huntington Beach Municipal Code Relating to Administrative Citations (.) – Ordinance No. 3630 - “An Ordinance of the City of Huntington Beach Amending Chapter 1.18 of the Huntington Beach Municipal Code Relating to Administrative Citations.”** (Staff is recommending that some of the existing procedures be revised and that new procedures be implemented to streamline enforcement of the program. Language in certain sections has been revised to be more “user friendly.” Submitted by the City Attorney.

Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance No. 3630** by roll call vote.

Approved Introduction 7-0

H. City Council/Redevelopment Agency Items

H-1a. Submitted By Councilmember Gil Coerper

(City Council) Request Approval of Funds to Pay Part of Employees Health Insurance Costs (.)

Communication from Councilmember Coerper transmitting the following **Statement of Issue:** The City is having large increases in health insurance costs. At this time there is no money in the budget to pay for any of the increased costs for health insurance. The City should pay for part of the increased health insurance costs to help employees have less taken out of their paycheck. I believe that the Tier One budget cuts listed below should be adopted by the City Council and the \$474,208 be used to pay for some of the increased health insurance costs.

TIER ONE REDUCTIONS			
Department	Amount	Description	Positions Eliminated
City Administrator	\$ 100,000	Management review of the Library Services	None
Non-departmental	83,644	Savings from the Animal Care Services contract	None
Planning	64,992	Code Enforcement Officer	Vacant
Community Services	73,355	Administrative Aide	Vacant
Public Works	55,721	Maintenance Service Worker	Vacant
City Administrator	96,496	Senior Administrative Analyst	Vacant
TOTAL	\$ 474,208		

Recommended Action: Motion to:

I move that the City Council reduce the General Fund budget by \$474,208 by eliminating the costs listed above. This money would then be used to pay for part of the health insurance costs increases.

Approved 5-2 (Sullivan, Boardman - No)

H-2a. Submitted By Mayor Cathy Green**(City Council) Procedure For Invocations on the City Council Agendas (.)**

Communication from Mayor Cathy Green transmitting the following **Statement of Issue:** Whether the Mayor or City Council should determine if the City Council meetings should open with an Invocation. Attachment: Memorandum dated July 29, 2003 from Dina Nam, law student, to John Eastman, Professor of Law, Chapman University titled *City Council Invocations*.

Recommended Action: Motion:

That the Mayor has the prerogative to determine whether the meeting will open with an invocation.

Approved 5-2 (Boardman, Cook - No)

Council Comments - (Not Agendized)

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

Council/Agency Adjournment to Monday, January 5, 2004 at 5:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office, on the City's Website, Via Email, and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Branches on Friday Prior to Meetings. Videotapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

CONNIE BROCKWAY, CITY CLERK
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